

3.5 Any documents required by this Stipulation shall be sent to Department of Health Compliance at PO Box 47873, Olympia, WA 98504-7873.

3.6 Respondent is responsible for all costs of complying with this Stipulation.

3.7 Respondent shall inform the Department of Health Office of Customer Service, in writing, of changes in Respondent's residential and/or business address within thirty (30) days of the change. The mailing address for the Office of Customer Service is PO Box 47865, Olympia, WA 98504-7865.

3.8 The effective date of this Stipulation is the date the Adjudicative Clerk Office places the signed Stipulation into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Stipulation.

4. RESPONDENT'S ACCEPTANCE

I, JULENE ADELE POMMERT, have read, understand and agree to this Stipulation. This Stipulation may be presented to the Secretary without my appearance. I understand that I will receive a signed copy if the Secretary accepts this Stipulation.

*original signature
for the adj. file.*
J

Julene Adele Pommert
JULENE ADELE POMMERT
RESPONDENT

December 22, 2017
DATE

Holly E. Lynch
HOLLY E. LYNCH, WSBA #37281
ATTORNEY FOR RESPONDENT

1/2/18
DATE

FILED
JAN 05 2018
Adjudicative Clerk Office



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

January 5, 2018

Holly E. Lynch
Keller Rohrbach, LLC
1201 3rd Ave Ste 3200
Seattle, WA 98101-3276

Julene Pommert
RE: Master Case No. M2017-856

Dear Ms. Lynch:

Enclosed please find Declaration of Service by Mail and Stipulation to Informal Disposition dated January 4, 2018.

Any questions regarding the terms and conditions of the Order should be directed to Paige Fury, Compliance Manager at (360) 236-4855.

Sincerely,

Cara Bryant, Adjudicative Clerk
Adjudicative Clerk Office
PO Box 47879
Olympia, WA 98504-7879

cc: Deonna Chartrey, Case Manager
Paige Fury, Compliance Officer
Patricia Stuart, Staff Attorney

Enclosure

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
ADJUDICATIVE SERVICE UNIT**

In the Matter of:

JULENE ADELE POMMERT

Credential Nos. MHCA.MC.604644502

Respondent.

)
) Master Case No. M2017-856
)

) DECLARATION OF SERVICE

) BY MAIL
)

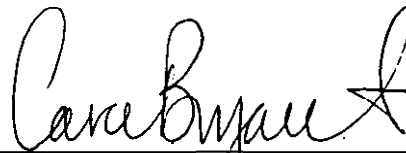
I declare under penalty of perjury, under the laws of the state of Washington, that the following is true and correct:

On January 5, 2018, I served a true and correct copy of the Stipulation to Informal Disposition signed by the Presiding Officer on January 4, 2018 by placing same in the U.S. mail by 5:00 p.m., postage prepaid, on the following parties to this case:

Julene Adele Pommert
12360 Lake City Way NE Ste 420
Seattle, WA 98125-5452

Holly E. Lynch
Keller Rohrback, LLC
1201 3rd Ave Ste 3200
Seattle, WA 98101-3276

DATED: This 5th day of January, 2018.



Cara Bryant, Adjudicative Clerk Office
Adjudicative Clerk

cc: Kitty Slater-Einert, Case Manager
Paige Fury, Compliance Officer
Patricia Stuart, Staff Attorney

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
SECRETARY OF HEALTH**

In the Matter of

JULENE ADELE POMMERT
Credential No. MHCA.MC.60464502

Respondent

No. M2017-856

**STIPULATION TO INFORMAL
DISPOSITION**

1. STIPULATION

1.1 The executive director of the Mental Health Counselor Program (Program), on designation by the Secretary of Health (Secretary), has made the following allegations.

- A. On May 9, 2014, the State of Washington issued Respondent a credential to practice as a mental health counselor associate. Respondent's credential is currently active.
- B. Beginning in approximately 2014, Respondent was Client A's (an adult female) counselor. At that time, Client A lived in a motel with an adult male and their minor child.
- C. On or about February 16, 2017, Respondent invited Client A to attend a professional meeting where Respondent was speaking. Respondent picked Client A up before the meeting and drove her to the Children's Administration meeting afterwards.
- D. On or about February 16, 2017, Respondent participated in a Children's Administration meeting where removal and placement of Client A's child was discussed. Respondent denied or was unaware of Client A's ongoing illegal drug use. Respondent spoke to Client A's parenting ability and child placement issues even though it was beyond the scope of their therapeutic relationship.
- E. Respondent acknowledged that aspects of her interactions with Client A violated professional boundaries.

1.2 Respondent does not admit any of the allegations in the Statement of Allegations and Summary of Evidence or in Paragraph 1.1 above. This Stipulation to

Informal Disposition (Stipulation) shall not be construed as a finding of unprofessional conduct or inability to practice.

1.3 Respondent acknowledges that a finding of unprofessional conduct or inability to practice based on the above allegations, if proven, would constitute grounds for discipline under RCW 18.130.180(4).

1.4 Respondent agrees that under RCW 18.130.172, any sanction as set forth in RCW 18.130.160, except subsections (1), (2), (6), and (8), may be imposed as part of this Stipulation, but the Respondent may agree to reimburse the disciplining authority the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars (\$1,000.00) per allegation.

1.5 The parties wish to resolve this matter by means of a Stipulation pursuant to RCW 18.130.172(1).

1.6 This Stipulation is of no force and effect and is not binding on the parties unless and until it is accepted by the Secretary.

1.7 This Stipulation is not formal disciplinary action. However, if the Secretary accepts this Stipulation, it will be reported to the National Practitioner Databank (45 CFR Part 60) and elsewhere as required by law. It is a public document and will be placed on the Department of Health's website and otherwise disseminated as required by the Public Records Act (Chap. 42.56 RCW).

1.8 The Secretary agrees to forgo further disciplinary proceedings concerning the allegations.

1.9 Respondent agrees to successfully complete the terms and conditions of this informal disposition.

1.10 Respondent understands that a violation of this Stipulation, if proven, would constitute grounds for discipline under RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

2. COMPLIANCE WITH SANCTION RULES

2.1 The disciplining authority applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions. WAC 246-16-800(2)(c) requires the disciplining authority to impose terms based on a specific sanction schedule unless "the schedule does not adequately address the facts in a case."

2.2 Respondent's alleged conduct falls in Tier A of the "Practice Below Standard of Care" schedule, WAC 246-16-810. The sanction range associated with that tier does adequately address the alleged facts of this case. The disciplinary authority determined additional education in maintaining boundaries is sufficient to protect the public.

2.3 The disciplining authority considered the following mitigating factors:

- A. No prior disciplinary history with the Department of Health.
- B. Potential for successful remediation through additional education.

3. INFORMAL DISPOSITION

The parties agree to the following:

3.1 Within six (6) months of the effective date of this Stipulation, Respondent shall complete a minimum of six (6) hours of continuing education, pre-approved by the Program, in the area of maintaining boundaries with mental health clients. Respondent shall provide the Program with proof of completion of such continuing education within thirty (30) days of such completion. Failure to complete and show proof of completion of the required minimum hours of pre-approved continuing education in the specified area within the specified times shall constitute violations of this Stipulation. These six (6) hours of continuing education shall be in addition to mandatory continuing education hours that may be required for credential renewal.

3.2 Respondent shall reimburse costs to the Program in the amount of one thousand eight hundred seventeen dollars and thirteen cents (\$1,817.13), which must be received by the Program within six (6) months of the effective date of this Stipulation. The reimbursement shall be paid by personal check, certified or cashier's check, or money order, made payable to the Department of Health and mailed to the Department of Health, Mental Health Counselor Program, at PO Box 1099, Olympia, WA 98507-1099. Credit or Debit cards can also be used for payment at the front counter of the Department of Health building at 111 Israel Road SE, Tumwater, WA 98501, during regular business hours.

3.3 Respondent shall obey all federal, state and local laws and all administrative rules governing the practice of the profession in Washington.

3.4 The Secretary or its designee may verify Respondent's compliance with the terms and conditions of this Stipulation, if applicable.

3.5 Any documents required by this Stipulation shall be sent to Department of Health Compliance at PO Box 47873, Olympia, WA 98504-7873.

3.6 Respondent is responsible for all costs of complying with this Stipulation.

3.7 Respondent shall inform the Department of Health Office of Customer Service, in writing, of changes in Respondent's residential and/or business address within thirty (30) days of the change. The mailing address for the Office of Customer Service is PO Box 47865, Olympia, WA 98504-7865.

3.8 The effective date of this Stipulation is the date the Adjudicative Clerk Office places the signed Stipulation into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Stipulation.

4. RESPONDENT'S ACCEPTANCE

I, JULENE ADELE POMMERT, have read, understand and agree to this Stipulation. This Stipulation may be presented to the Secretary without my appearance. I understand that I will receive a signed copy if the Secretary accepts this Stipulation.

Julene Adele Pommert
JULENE ADELE POMMERT
RESPONDENT

December 22, 2017
DATE

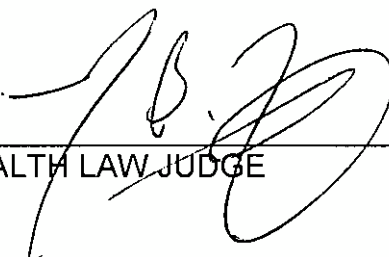
Holly E. Lynch
HOLLY E. LYNCH, WSBA #37281
ATTORNEY FOR RESPONDENT

12/30/17
DATE

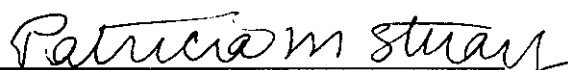
5. SECRETARY ACCEPTANCE

The Secretary of Health accepts this Stipulation to Informal Disposition. All parties shall be bound by its terms and conditions.

DATED: January 4, 2018


HEALTH LAW JUDGE

PRESENTED BY:


PATRICIA STUART, WSBA #20250
DEPARTMENT OF HEALTH STAFF ATTORNEY

1-2-18
DATE

FILED

JAN 02 2018

Adjudicative Clerk C-103

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
SECRETARY OF HEALTH

In the Matter of

JULENE ADELE POMMERT
Credential No. MHCA.MC.60464502

Respondent

No. M2017-856

**STATEMENT OF ALLEGATIONS
AND SUMMARY OF EVIDENCE**

FILED
JAN 02 2018
Adjudicative Clerk Office

The executive director of the Mental Health Counselor Program (Program), on designation by the Secretary of Health (Secretary), makes the allegations below, which are supported by evidence contained in case no. 2017-3000. The client referred to in this Statement of Allegations and Summary of Evidence is identified in the attached Confidential Schedule.

1. ALLEGED FACTS

1.1 On May 9, 2014, the State of Washington issued Respondent a credential to practice as a mental health counselor associate. Respondent's credential is currently active.

1.2 Beginning in approximately 2014, Respondent was Client A's (an adult female) counselor. At that time, Client A lived in a motel with an adult male and their minor child.

1.3 On or about February 16, 2017, Respondent invited Client A to attend a professional meeting where Respondent was speaking. Respondent picked Client A up before the meeting and drove her to the Children's Administration meeting afterwards.

1.4 On or about February 16, 2017, Respondent participated in a Children's Administration meeting where removal and placement of Client A's child was discussed. Respondent denied or was unaware of Client A's ongoing illegal drug use. Respondent spoke to Client A's parenting ability and child placement issues even though it was beyond the scope of their therapeutic relationship.

1.5 Respondent acknowledged that aspects of her interactions with Client A violated professional boundaries.

//

ORIGINAL

2. SUMMARY OF EVIDENCE

- 2.1 Complaint.
- 2.2 Witness statement.
- 2.3 Counseling records.
- 2.4 Respondent's statement.

3. ALLEGED VIOLATIONS

3.1 The facts alleged in Section 1, if proven, would constitute unprofessional conduct in violation of RCW 18.130.180(4), which provides in part:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

...

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

....

4. NOTICE TO RESPONDENT

4.1 The Secretary has determined that this case may be appropriate for resolution through a Stipulation to Informal Disposition (Stipulation) pursuant to RCW 18.130.172(2). A proposed Stipulation is attached, which contains the disposition the Secretary believes is necessary to address the conduct alleged in this Statement of Allegations and Summary of Evidence.

4.2 If Respondent agrees that the disposition imposed by the Stipulation is appropriate, Respondent should sign and date the Stipulation and return it within twenty-eight (28) days to the Department of Health Office of Legal Services at PO Box 47873, Olympia, WA 98504-7873.

4.3 If Respondent does not agree that the terms and conditions contained in the Stipulation are appropriate, Respondent should contact Patricia Stuart, Department of Health Staff Attorney, PO Box 47873, Olympia, WA 98504-7873, (360) 236-4881, within twenty-eight (28) days.

4.4 If Respondent does not respond within twenty-eight (28) days, the Secretary will assume Respondent has declined to resolve these allegations with an informal Stipulation and may proceed to formal disciplinary action against Respondent by filing a Statement of Charges pursuant to RCW 18.130.172(3).

4.5 If the parties cannot resolve the allegations with an informal Stipulation, the Secretary may proceed with a formal Statement of Charges.

DATED: December 15, 2017

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
SECRETARY OF HEALTH

U. James Chaney
U. JAMES CHANEY
EXECUTIVE DIRECTOR

Patricia M Stuart
PATRICIA STUART, WSBA #20250
DEPARTMENT OF HEALTH STAFF ATTORNEY

CONFIDENTIAL SCHEDULE

This information is confidential and is NOT to be released without the consent of the individual or individuals named herein. RCW 42.56.240(1)

Client A:

1 - Investigative Records Compiled by age...



State of Washington
DEPARTMENT OF HEALTH

October 20, 2017

Julene Adele Pommert
12360 Lake City Way NE Ste 420
Seattle, WA 98125-5452

Subject: Master Case No. M2017-856

Dear Ms. Pommert:

The disciplining authority reviewed the allegations against your Mental Health Counselor Associate License. It can settle the matter informally with a Stipulation to Informal Disposition (STID). This settlement does not require a hearing or require you to admit any wrongdoing.

I have enclosed a Statement of Allegations and the STID. Your response is required no later than **November 17, 2017**. If you agree to the STID, please sign and return all pages to the address below.

If you wish to discuss the terms of the STID or have questions, please contact Patricia Stuart, Staff Attorney, at (360) 236-4881.

Sincerely,

Carmen M. Brown
Legal Assistant
PO Box 47873
Olympia, WA 98504-7873
carmen.brown@doh.wa.gov
(360) 236-4858 (P)
(360) 236-4930 (F)

Enclosures

cc: Kitty Slater-Einert, Case Manager
Holly E. Lynch, Attorney for Respondent



Redaction Summary (1 redaction)

1 Privilege / Exemption reason used:

1 -- "Investigative Records Compiled by agency investigative and law enforcement unit; and non-disclosure is essential to effective law enforcement or for a person's privacy. - RCW 42.56.240(1)" (1 instance)

Redacted pages:

Page 14, Investigative Records Compiled by agency investigative and law enforcement unit; and non-disclosure is essential to effective law enforcement or for a person's privacy. - RCW 42.56.240(1), 1 instance